HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.16700 of 2007

Dated:06.08.2007

Between:

M/s.Pavan Poultry Farms.

…Petitioner.

and

The Superintending Engineer, and others.

…Respondents.

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.16700 of 2007

ORDER:

The petitioner is a Poultry Farm and is provided with power supply, under LT Category-III(A). The premises were inspected on 06.01.2007. On finding that the meter was not functioning properly, an assessment notice for short billing, dated 27.06.2007, was issued, showing the short billing amount at Rs.1,63,148/-. The petitioner was directed to show cause as to why the said amount shall not be levied. On receipt of the same, the petitioner submitted its explanation, dated 15.02.2007, stating that the Poultry Farm was closed for most of the time due to Bird Flue and that the meter readings were taken from time to time. Not being satisfied with the explanation offered by the petitioner, the Divisional Engineer Electrical Operations, Bhongir, the 2nd respondent herein, passed a final order, dated 16.06.2007, confirming the notice of short billing.

Aggrieved thereby, the petitioner preferred an appeal before the Superintending Engineer, Operation Circle, Nalgonda, the 1st respondent herein. Through letter, dated 17.07.2007, the 1st

respondent required the petitioner to deposit a sum of Rs.81,514/-, representing half of the demanded amount, as a condition precedent for entertaining the appeal. Aggrieved by the same, the Writ Petition is filed.

Heard learned Counsel for the petitioner and learned Standing Counsel for the respondents.

It is represented on behalf of the petitioner that the Poultry Farm itself was not functioning regularly, due to Bird Flue, and that plea was not taken into account by the 2nd respondent, while passing the final order. However, once the petitioner had availed the remedy of appeal, this Court cannot delve into the merits of the case. It is no doubt true that, having regard to the facts pleaded by the petitioner, compliance with the condition, imposed by the 1st respondent, would certainly cause hardship to it. This Court is of the view that ends of justice would be met, if the appeal of the petitioner is entertained, on payment of a sum of Rs.45,000/-.

For the foregoing reasons, the Writ Petition is disposed of, directing that in case the petitioner deposits a sum of Rs.45,000/- (Rupees Forty Five Thousand only), within two weeks from today, the appeal presented by it, shall be entertained and be disposed of, on merits. There shall be no order as to costs.

Dt.06.08.2007 **L.NARASIMHA REDDY, J**

GJ